



#10

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
119994-5

First named inventor: Howard M. Kingston

Application No.: 09/262,597

Art Unit: 1614

Filed: 03/04/1999

Examiner: C. Delacroix-Muirheid

Title: Method and Apparatus for Microwave Assisted  
Chemical ReactionsAttention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

## APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

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OFFICE OF PETITIONS

## 1. Petition fee

☒ Small entity-fee \$ 640 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of CPA and Three-Month Ext. of Time (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

04/JUN 00 10:00 AM CHNDAF1 00000006 09262597

00 FEB 01 640.00 CH

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### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Telephone

Number: (412) 566-2077

Arnold B. Silverman

\_\_\_\_\_  
Typed or printed name

600 Grant Street, 44th Floor

\_\_\_\_\_  
Address

Pittsburgh, PA 15219

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: CPA and Three-Mo. Ext. of Time

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OFFICE OF PETITIONS

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

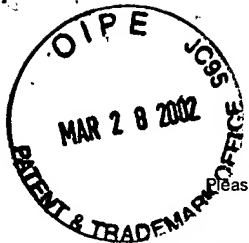
☒ deposited with the United States Postal Service on the date shown below with sufficient postage as Express ~~registered~~ mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

3/28/02  
Date

Arnold B. Silverman  
Signature

Arnold B. Silverman  
Type or printed name of person signing certificate



03-29-02

DAC/

Please type a plus sign (+) inside this box →



(PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	<b>Application Number</b>	09/262,597	
	<b>Filing Date</b>	03/04/1999	
	<b>First Named Inventor</b>	Howard M. Kingston	
	<b>Group Art Unit</b>	1614	
	<b>Examiner Name</b>	C. Delacrois-Muirheid	
<b>Total Number of Pages in This Submission</b>	15	<b>Attorney Docket Number</b>	119994-5

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below).  Continued Prosecution Application Postcard
Remarks		<b>RECEIVED</b> APR 02 2002 OFFICE OF PETITIONS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Arnold B. Silverman Eckert Seamans Cherin & Mellott
Signature	
Date	March 28, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as <sup>EXPRESS</sup> <del>regular</del> mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: March 28, 2002 <sup>MAIL</sup>			
Typed or printed name	Arnold B. Silverman		
Signature		Date	March 28, 2002

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SENT VIA EXPRESS MAIL ET507066420US  
DATE OF DEPOSIT MARCH 28, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit 1614 :  
Examiner C. Delacroix-Muirheid :  
In re Application Of : METHOD AND APPARATUS FOR  
HOWARD M. KINGSTON : MICROWAVE ASSISTED  
Serial No. 09/262,597 : CHEMICAL REACTIONS  
Filed March 4, 1999 : Docket No. 119994-5

PETITION FOR REVIVAL OF AN APPLICATION  
FOR PATENT ABANDONED UNINTENTIONALLY  
UNDER 37 CFR 1.137(b)

Eckert Seamans Cherin & Mellott  
600 Grant Street, 44th Floor  
Pittsburgh, Pennsylvania 15219  
March 28, 2002

Assistant Commissioner of Patents  
BOX DAC  
Washington, D.C. 20231

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**APR 02 2002**

**OFFICE OF PETITIONS**

Sir:

Applicant's attorney respectfully petitions to revive the captioned application which was unintentionally abandoned by non-response to the Office Action dated September 25, 2001.

My prior secretary, rather than following our standard procedure of attaching a new Office Action on the exterior of an application file and placing it in a designated location in my office where incoming mail is placed, put the loose Office Action inside the file. My first awareness of the action occurred today, three days after the six-month deadline. While we do have a tickler system, I

thought that the entry for the captioned case referred to another application in the name of the same inventor with respect to which I recently filed an amendment.

It is respectfully requested that the enclosed Continuation Prosecution Application (CPA) and Three-Month Extension of Time be accepted as the response to the Office Action dated September 25, 2001.

Please charge Deposit Account No. 02-2556 in the amount of \$1,668.00 to cover the cost of the Petition for Revival (\$640), the CPA (\$568), and the Three-Month Extension of Time (\$460). A duplicate copy of this document is enclosed herewith for the purpose of charging any underpayment or crediting any overpayment to Deposit Account No. 02-2556.

Please date stamp the enclosed postcard in order to acknowledge receipt of the attached documents and return it to the address thereon.

Respectfully submitted,



Arnold B. Silverman  
Registration No. 22,614  
Attorney for Applicant

(412) 566-2077



PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)

1,668.00

**Complete if Known**

Application Number	09/262,597
Filing Date	03/04/1999
First Named Inventor	Howard M. Kingston
Examiner Name	C. Delacroix-Muirheid
Group Art Unit	1614
Attorney Docket No.	119994-5

**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

02-2556

Deposit  
Account  
Name

Eckert Seamans

- ☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

- ☒ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money  
Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description
------------------	------------------	------------------	------------------	-----------------

101	710	201	355	Utility filing fee
106	320	206	160	Design filing fee
107	490	207	245	Plant filing fee
108	710	208	355	Reissue filing fee
114	150	214	75	Provisional filing fee

Fee Paid

SUBTOTAL (1) (\$)

0.00

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** = 0	X	0.00
Multiple Dependent Claims	-3** = 0	X	0.00

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description
------------------	------------------	------------------	------------------	-----------------

103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	460.00
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	640.00
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) Continued Prosecution Application (CPA)					568.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

1,668.00

**SUBMITTED BY**

Name (Print/Type)

Arnold B. Silverman

Registration No.  
(Attorney/Agent)

22,614

Complete (if applicable)

Telephone

412.566.2077

Signature

Date

03/28/2002

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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